EDITORIALS.

ARE TERRITORIAL OFFICERS TO BE ELECTED?

THE authority of the Utah Commissioners has been exercised on several matters, jurisdiction over which is not bestowed in the ninth section of the Act of Congress of March 22, 1882, commonly know as the Edmunds law. Yet they have not satisfied the enemies of the "Mormon" people, nor are they likely to do so, because by no stretch of the wording of that law could they pretend to powers sufficient to reach the extraordinary measures desired by the rabid opponents of the system called "Mormonism."

As we have previously shown, the Commissioners have no authority that is not defined in that section of the Act of Congress to which we have referred. It can be easily seen by reading that section that they have no judicial powers whatever. They cannot pass upon the validity of a law. They cannot punish individuals for any assumed or actual violation of law. They are authorized to appoint certain officers in the place of men whose offices were vacated by legislation—a peculiar method, we may say in passing, of depriving officials of their rights to such office—and in certain specified instances, to receive the returns of an election and issue certificates to the persons elected.

Under their ruling it appears that there will be no election of certain territorial officers whose successors should be elected in August next according to the laws of the Territory in such case made and provided. They have taken the ground that the statutes providing for the election of those officers are in conflict with the Organic Act and are therefore invalid. But under the law of Congress which created the office and from which they derive such powers as they possess, they are not authorized to pass upon the validity or invalidity of any law. Their opinion is of no more value than that of as many private attorneys of learning and experience. And we know how much such gentlemen differ and how often they are mistaken in their views.

But it seems that this opinion of the Commissioners is to have a material bearing upon our annual election, whether their idea is right or wrong, legal or illegal. Under the laws of the Territory the County Clerk is required to give notice of the offices to be filled at the August election. The Edmunds law provides that "each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election" shall be performed, not by the Commissioners, but by "proper persons," who shall be appointed by them. But all that they do must be done under the existing laws of the United States and of this Territory, or it is void and of no effect.

If the County Clerk, in giving notice of an election, is really an "election officer" in the meaning of the law, which is a matter of doubt, then the Commissioners had the right to devolve the duty of giving the notice of election upon another individual, because all election offices were by the Edmunds bill vacated. This is, of course, supposing that such a summary method of turning officers out of places to which they had been elected according to law, is constitutional and sound. This is not by any means "due process of law" within the meaning of the Constitution, which contemplates judicial trial and judgment before deprivation of life, liberty or property; and the right to an office under the law has long been held to be "property."

Granting then the right of the Commissioners to place upon the Registration officers the duty of giving notice of the election, and announcing what offices are to be filled thereat, the Registration officer merely occupies the same position as the County Clerk would have had if the Edmunds law had not been enacted. This gives him no right to pass upon the validity or invalidity of any law. He simply may announce such officers to be elected as the law specifies. And there is not a line of law which authorizes the Commissioners to do anything in this matter except to appoint the officer to perform the duty required by the territorial statute. His duties in this respect are not to be defined by the Commissioners, but to be performed as the law directs.

If the County Clerk had been permitted to give the notice, those Territorial offices would have been named with the county and precinct offices to be filled. Therefore the Registration officer is in duty bound to give a similar notice. For refusing to do so he may be proceeded against, or he may be compelled by mandamus to perform the duty which is required of him by law. The direction of the Commissioners is not legally worth anything in this matter, and their decision on the legal point involved is no more than an unofficial opinion.

But let us look at it for a few moments in the light of the law. The Organic Act provides that certain officers not definitely specified, shall be nominated by the Governor and appointed by and with the consent of the Legislative Council of the Territory. The Legislative Assembly, in 1882, passed a law which was duly signed by the Governor, providing for a Treasurer and an Auditor of Public Accounts, to be elected by the Legislative Assembly. Other officers necessary for the conduct of public affairs in the Territory were created and the mode of filling them provided for. These laws remained in force until the Legislature provided for the election of several of these officers by the people. Observe, the Legislative Assembly created these offices, and they naturally provided for the manner in which they should be filled. The Organic Act extended to the Legislative Assembly power over all rightful subjects of legislation consistent with the Constitution and the Organic Act, and specified those things which that body was not to legislate upon; these did not include the creating of offices needful for the good of the Territory, and the manner of filling them. But it provided that all the laws passed by the Assembly should be submitted to Congress, and if disapproved should be null and of no effect. It follows therefore that if not disapproved by Congress they would remain of full force and effect. This view, as we will show, has been taken of this point by the Supreme Court of the United States.

The object of the Organic Law was to give the people of this Territory power to regulate their own local concerns in their own way, subject to the supervision of Congress. The offices that immediately concerned the General Government were to be appointed by the Government and those which concerned the people of the Territory alone were to be filled by the citizens as they might determine, in the regular manner on republican principles. The offices of Treasurer to handle their moneys and of Auditor to keep and supervise their accounts, are offices that concern the people locally. They are not Government offices. They handle no Government funds either by receipt or disbursement. The people should of right appoint or elect them in the manner that best suits the citizens. The Supreme Court of the United States in the celebrated Englebrecht case thus decided on this question.

"The theory upon which the various governments for portions of the Territory of the United States have been organized has ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority and with certain fundamental principles established by Congress."

It certainly cannot be claimed that the election by the people of local officers to handle local funds, is contrary to any fundamental principal established by Congress or the Constitution. Incidentally the very question now considered came up before the highest legal tribunal in that same case. By counsel for respondent it was argued that the Utah jury law was defective, for two reasons:

"First—That it required the jury lists to be selected by the county court, upon which the Organic Law did not permit authority for that purpose to be conferred. Second—That it required the jurors to be summoned by the Territorial Marshal, who was elected by the Legislature and not appointed by the Governor."

The same claim was set up in regard to the United States Marshal that is now put forth by the Commissioners in regard to the Treasurer, Auditor, etc. But the Court ruled against the argument on both points, for the reasons set forth in the paragraph we have quoted from the Opinion concerning the rights of self-government, and further, for the reason given in the following extract from the same document:

"In the first place we observe that the law has received the implied sanction of Congress. It was adopted in 1859. It has been upon the statute book for more than twelve years. It must have been transmitted to Congress soon after it was enacted, for it was the duty of the Secretary of the Territory to transmit to that body copies of all laws, on or before the first of the next December in each year. The simple disapproval by Congress at any time would have annulled it. It is no unreasonable inference, therefore, that it was approved by that body."

The acts of the Marshal, although he was elected by the Legislative Assembly, and not appointed by the Governor as alleged to be required by the Organic Act, were recognized by the Supreme Court to be valid. On the same grounds the acts of the Auditor and Treasurer are legally valid and their election by the people stands good. For if it be argued that the territorial statute authorizing their election is not harmonious with the Organic Act, then we say that the implied sanction of Congress ratifies it and makes it equal in this Territory to an Act of Congress, and being of later date than the Organic Act its plain provision supersedes the doubtful phrase in the latter instrument on which the objection is founded.

The principle of local self-government is embodied in the law for the election of these territorial officials. It is in accord with the intent of the Organic Act in this direction. It is in harmony with the principles of republican government, and cannot be set aside by anything short of a judicial decision after a legal trial. In the first place, it is the duty of the officers giving notice of the election, to place on the list the territorial offices to be filled at the August election; in the second place neither they nor the Commissioners have any right to pass upon the validity of the law providing for the election of territorial offices; and in the third place the main point in dispute, if they had such authority, has been settled by the Supreme Court of the United States, which is nearly as potent a tribunal as a board of Commissioners unclothed with any judicial authority.

UNSAVORY SCANDALS BRANDED.

WE publish to-day a clipping from the Chicago *Times* taken from the St. Louis *Republican* in regard to an alleged conversation with Postmaster Lynch of this city, and some remarks made by ex-District Attorney Bates. We do not know whether the Postmaster is correctly reported or not. If not he can put himself right on the record. If the reporter states the truth, the gentleman has lent himself to the repetition of most atrocious slanders so vile that no words will fitly describe their meanness and mendacity.

Every one has a right to entertain and express such opinions as he may have upon the questions that are involved in what is called the "Mormon" problem. Also to advocate such measures as he may think best to meet what he may deem to be an evil. We also have the right to discuss these views, especially when they have been given to the public. But no man has the right to spread slander nor aid in diffusing mis-information. If Mr. Lynch thinks "Mormonism" "the greatest evil ever inflicted on any people," we will not question his right to such an opinion, though we may think what we please about his taste, and wonder how any man who has seen the world can draw a comparison between Salt Lake society and that of other cities to the disadvantage of the latter, and we may form our own conclusion as to the kind of morals which seem to be to his mind.

So with regard to the very republican (?) method of meeting the alleged evils of Utah. He will not be interfered with in his efforts to get the Territory placed under an absolute despotism of the most tyrannical character. But we can think what we please about the republicanism and consistency of an American who would attempt such an outrage on the rights of citizens, and seek thus to overthrow the very foundation principles of constitutional liberty.

In the remark however, that he would have the children in Utah—we suppose he means the children—educated and "compel them to go to public schools where something besides "Mormonism" is taught, there is something more than an opinion. It contains an insinuation that is utterly untrue. The ides conveyed is that in the public schools of Utah nothing but "Mormonism" is taught. We defy the gentleman to produce proof that "Mormonism" or any other religion is taught in any of the District Schools of the Territory. The text books in use are the same as adopted in many of the States, and the schools are not denominational in any sense of the word. If he does not know this he can very soon find out by attending them; they are open to the public, and he can drop in unexpectedly and learn the facts. The implied statement is unjustifiable, for there are no grounds *for it but falsehood*, *which* has probably been told to him for truth; and he had no right to repeat for facts that of which he has no knowledge, to be published against the Territory where he lives and against which he has no just cause for complaint.

The next statement which we desire to note is the assertion that what young men of "Mormon" parents see at home "educates them to a life of licentiousness." Shame on any person in the form of man, that utters such a libel on a people who strive more than anything else to teach their children moral purity, temperance, chastity and self-restraint. Only a foul and corrupt heart could conceive such a calumny. The strong expressions which suggest themselves to characterize this villainous misrepresentation are a little to vigorous for this paper, but would not do anything like justice to the libel. We know something about the homes thus traduced while Mr. Lynch does not, and if such language fell from his *lips*, we do *not envy his spirit* and disposition. But how does his assertion comport with his admission about the faithfulness and obedience of "Mormon" wives? If "Mormon" wives are true to their marriage vows, and thus pure in their marital relations, how can "Mormon" homes be educators to lives of licentiousness.

And how is it that he has become so familiar with the business of the houses of ill-fame of this city, as to be able to tell the kind and class of filthy male bipeds that frequent them? The only reliable information that can be obtained concerning them, in our opinion, is with the police. It would perhaps astonish the Postmaster if he were to be told the truth about the patrons of those places. We do not know whether it would make any difference or not as to his familiarity with some of his male acquaintances. But he would learn that they are not of "Mormon parentage." We are sorry to say that we have heard of some foolish and degraded young men of "Mormon" family connection being induced to visit those places, but we deny that they form anything like the "majority" of the frequenters, or more than a mere sprinkling of juvenile roysters led away by "Gentile" persuasion and example.

We know nothing about this but what we learn from the police. We do not go on rumor. And we are in possession of some facts that would make several "Mormon"-hating and anti-polygamic scoundrels quake about the knees if we were to proclaim them; but we are not in that kind of business. They can go on with their music and lie to their heart's content, so far as we are concerned, unless something very special should require the lifting of the curtain.

Talk about those haunts of infamy! Who established, shielded and protected them? Who made them pay? Who thwarted the measures used to suppress them? Who has tempted and cajoled young men to visit them? The "Mormons?" No, Mr. Lynch, but "Gentiles," "Mormon"-haters, polygamy-denouncers, advocates of anti-republican measures against Utah, libellers, woman defamers, scoundrels, who judge the "Mormons" by their own lustful and lecherous standard and think of marriage, plural or monogamous, but as a licensed vehicle for sensual gratification. Why, Mr. Lynch admits that there were no such places in Utah as the influx of "Gentiles." But explains that the "construction 'Mormon' society obviated the demand for such establishments. Just so; suppose we accept the explanation; then what becomes of the libels about the young people "Mormon parentage?" The very construction of "Mormon" society against the evil. Its theory this, history proves it, and if support and protection of the evil from "Gentile" hands withdrawn, it would be swept away, blotted out from face of this Territory, plucked root and branch and obliterated.

The repetition of that filthy hood said to have been told prostitute, is to say the gentlemanly and unworthy Postmaster. We have been by the police that the women ever having said if she did utter such a cation, what a splendid ity for the Postmaster to from! A female whose occ brings her under the ban of the and causes her to vent her spl vile epithets against the "Mor police and municipal authori said to have made such a state and hightoned gentlemen give it to newspaper reporte picture of "Mormon" virtue simply infamous; a brutal scurrilous attack on the chara our young ladies, who will favorably with the chastest in Christendom for purity and of sentiment. The this calumny, whoever hi is a liar and a scoundrel, who repeat it do not figure a ideals of honorable manhood.

As for Bates' filthy *falsehood*, would believe *Delirium-tre Bates? He has* published ite the very *contrary of* the vil fabrication *which the Repu* reporter did not get from but stole from a Denver that was fooled by the semi- and broken down *old dem* Bates knew that he *lied whe* told that story, but his soured was *full of* venom because of fa to obtain money from the "M mons" to which *he* laid claim, he thought to injure them by prurient romancing.

To notice these tainted and pu cent effusions is very distas but sometimes *becomes a duty*. are sorry that gentlemen of st ing and position will suffer anti-"Mormon" proclivities t them into the repetition or *ment of scandals which will do them* more harm "Mormons." And while the task of alluding to sa savory stories, we cannot them always to pass without ing them in letters that tell what they are.

MEAN AND CONTEMPTIBLE SLANDER.

THE gross and untruthful ments made to a St. Louis *Re can* reporter and copied in NEWS of Tuesday evening aroused a storm of indig *There is* no community on this tinent except the "turbulent L mons," where such *atrocious* on the fair fame of *the daughte* the people would be suffered wit *condign* punishment. But the ple of *this Territory* have *endu* so quietly the abuse which has be heaped upon them by foul-mou and dirty-minded slanderers, it is thought perfectly safe to the cheeks of their character and again. Patiently and wi reply they have borne such vi ation and defamation as emi traducers or open enemies ch utter and publish. And th the vilest things are alleged them and their wives and da and sisters with perfect impu

But this is not all. Pe who have made it their bu to tell disgusting falsi about the "Mormon" people r peat abominable libels for the posa of prejudicing public men inquiring travelers, have been tained in business by the tru the very people they have helpe traduce. Talk about kissing the that smites them, the "Mormon have nourished and fattened vipers which have crawled amon them to sting and destroy them possible. How long they intend endure this treatment and to fee the lips that slander and misrep sent them, is not for us to say. choice rests with themselves.

There was never a baser or more